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WEARE BOARD OF SELECTMEN
MEETING MINUTES
September 29, 2008

PRESENT: TOM CLOW, CHAIRMAN; WENDY CLARK, VICE CHAIRMAN; HELEEN KURK, SELECTMAN; RICHARD W. BUTT, SELECTMAN; KEITH R. LACASSE, SELECTMAN

TOWN ADMINISTRATOR: Fred Ventresco

RECORDING SECRETARY: Cherry Palmisano

GUESTS: Lauren Saucer, Frank Campana, Will Ottery, Andy Fulton

7:00 p.m. Chairman Clow called the meeting to order.

PUBLIC COMMENT – Mr. Frank Campana said about 4-5 weeks ago something came out of Massachusetts regarding revenues that peaked his curiosity. Mr. Campana said he asked Ms. Evelyn Connor about how revenue projections were coming in and was told they were about what she had predicted and that the amount she predicted was a lower amount than last year. Mr. Campana asked the BOS if they had any up to date revenue information on projections. Chairman Clow said they did receive an update from Mrs. Tina Connor but he did not have it with him. Mr. Campana said revenues are used to offset the tax amount. Selectman Kurk said the taxes are being collected. Selectman Butt said the single largest revenue for the town is car registrations which he believes is right on track. Mr. Campana wonders about the Building Inspector revenues. Everyone said it was down. Chairman Clow said Land Use Change tax is also down and that other things contribute to this. Selectman Butt said there were unexpected tax revenues that came in that will reflect positively on the tax rate. Mr. Ventresco said he could get the information to Mr. Campana.

Mr. Campana commented on a previous meeting during which a discussion about the Safety Complex took place. Mr. Campana said they discussed the 5 year old Safety Complex, specifically the Fire Department side, and it seems to him there is a growing list of issues. Mr. Campana said there were some vent pipes getting plugged up with snow, Chief Richards had some electrical repairs concerning the ground fault not being wired properly, mold issues and on going issues with garage doors. Mr. Campana mentioned the Police Department saying they did not have room. Mr. Campana said the building was built with tax payer money, he did not vote for it but is paying for it, and it has had issues since day one. Mr. Campana said the proposals are that taxpayers come to the rescue and the issues that need to be corrected the Selectman need to come to the taxpayers to repair. So the burden is on the taxpayers, they paid for building and now have to pay for the repairs. Mr. Campana said he is hearing that homeowner grade garage doors were installed at the time of construction. Mr. Campana questions who should pay for the repairs. He said there were 5 Selectman that signed off on the building, the Fire Chief who he is sure was involved in the development and possibly signed off on the building, and the Police Chief who is no longer there. Mr. Campana said if those people signed off on that building, that was built with taxpayer money, it would be nice to go back to those people and ask them to pay for the repairs. He has listened to Chief Richards discuss problems with the building. Mr. Campana said he knows there are issues with the Safety Complex and commented on the Fire Department asking for fire trucks and trailers, and he is supposed to trust their proposals with all the issues in that building. Mr. Campana does not know why the majority of the taxpayers are not fed up with this issue. Mr. Campana said the building was

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not put out to bid and a local person was hired. Mr. Campana said he is sure within a couple of years they will be asking for something else. Mr. Campana told the Board to think about what could be done with that money that is being used to repair those things that weren't done right the first time.

APPROVAL OF MINUTES

Selectman Kurk moved, Selectman Lacasse seconded to approve the minutes of September 8, 2008 as amended. Passed 5-0-0

The Board discussed there are minutes from the gravel pits visit. LGC recommended that the Selectman have minutes for this meeting, although it was not posted.

Chairman Clow moved, Selectman Kurk seconded to accept the minutes of September 10, 2008 as amended. Passed 4-0-1

Selectman Kurk moved, Selectman Lacasse seconded to accept the minutes of September 15, 2008 as amended. Passed 4-0-1

MANIFESTS

Chairman Clow moved, Selectman Kurk seconded, to authorize the Board of Selectmen to sign Manifest and order the Treasurer or Deputy Treasurer to sign checks dated October 2, 2008. Passed 5-0-0

Accounts payable	\$357,434.83	(John Stark \$250,000)
Gross Payrolls	<u>\$54,879.07</u>	(includes Hwy. Ins. Buyout, Spec Detail, Credit Union, Taxes)
Total	\$412,313.90	

Mr. Andy Fulton passed out the draft letter to DES regarding class 6 roads that the Conservation Commission was asked to look at. Mr. Fulton also gave the Board minutes of their last meeting concerning recommendations for Mountain Road including maintenance and the long term integrity of that path way. Chairman Clow said what they discussed was relating to a center portion of a stone culvert that collapsed, PSNH has offered to repair that culvert by raising the center. Chairman Clow said Mr. Steve Najjar brought to their attention that stone culverts are historical and need approval before they are disturbed. Chairman Clow said on the surface it seemed fine to them, but people driving through this water causes silt to stir and affects the wildlife. The culvert needs to be repaired properly not to effect wildlife passage. A historical preservation group was contacted, which is mentioned in the Conservation Commission minutes. Mr. Fulton said they recommend installing a culvert that would leave the stone culvert as in. Selectman Butt asked if the culvert was on private property. Vice Chairman Clark said Ian McSweeney had the information and she thinks it is owned by the person who owns the cabin. Chairman Clow said that branch of the road is under question as to ownership. Mr. Fulton said that is not class 6 Mountain Road in that area. Mr. Fulton said that Mr. McSweeney's research said the center of the road at the culvert was a boundary of town owned and private owned. Chairman Clow said this is in fact the section that PSNH used for travel in all that work in that area. Chairman Clow said in his opinion PSNH should get permission from the landowner and the town see the permission in writing. Mr. Fulton said it was his understanding that it was that landowner who requested that PSNH repair the culvert. Chairman Clow said they discussed the culvert being set low enough that it has a gravel bottom so wildlife can pass through it. Chairman Clow said he understands that the Conservation Commission is recommending a different kind of culvert. Mr. Fulton said it would benefit with a culvert that would last. PSNH will utilize this passage in the future for mowing. Chairman Clow said passing through the water was a big concern as well as being able to pass through the road to easily. Selectman Kurk asked that if in fixing the culvert PSNH won't do further damage will they. Vice Chairman Clark said they asked PSNH and they said they don't foresee any further damage. PSNH wanted to leave it alone and that is why they were considering a different culvert. Vice Chairman Clark said they wanted to do their repair when they were there that day with their equipment. Chairman Clow said they believe the culvert was crushed because they couldn't get anything to pass through it.

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Mr. Ventresco said the landowner is supposed to sign off, PSNH is asking the town to sign off, but the town does not own this land. Selectman Butt said he doesn't think the owner cares, and wants to know if the Weare Conservation Commission will be overseeing. Mr. Fulton said the Conservation Commission is not well equipped to be onsite monitors for this type of culvert replacement/work; they would like to team up with Francestown and Deering. They would like professional consulting help to oversee if the work is done according to the plan. Vice Chairman Clark said why spend money to hire a professional if that is what the state is supposed to be doing. Mr. Fulton said they were very limited on what they could see in initiative from the state to see that the town's interest was actually being addressed. Andy said there is the ability at the state level for there to be less diligence to these things, when it comes to having someone watch the work it is their interest to be looked out for and they can't count on the state to provide this. Chairman Clow said this year whenever they hear the terms hire or spend they quiver and when considering hiring professional consulting who will pay.

Vice Chairman Clark said they need to look out for their town with PSNH and the state; she is not going to worry about what Francestown and Deering are going to do. Vice Chairman Clark feels their duty is to work with PSNH and the state to repair this without costing the taxpayers money. Whether they like it or not, how it is fixed, as long as it is done right. It needs to be fixed the best possible way without causing the environment damage and done without hiring out. Selectman Lacasse said PSNH seemed very willing to get this resolved and he understood that PSNH was willing to fix it however the town wanted. Chairman Clow said on September 8 they gave PSNH permission to repair, with approval from landowner and with proper permits. Chairman Clow said the Conservation Commission is proposing a different approach, leaving the culvert alone and adding a plastic culvert next to the existing culvert. Selectman Butt said they want to make sure it is done properly; who will be making sure it was done properly. Chairman Clow said it is for them to say if they agree with the recommendations from the Conservation Commission but he does not feel it is up to the BOS to decide if it was repaired properly; that is where Mr. Fulton's recommendation of having a third party to inspect the work comes in. Selectman Kurk is unsure if the Conservation Commission has the authority to say if it is good or not.

Mr. Fulton said if half the culvert is owned by the town then it would seem that someone from the town will have to sign off on the dredge and fill permit and the landowner would have to sign it as well; the town is the applicant. Then a signature from Conservation Commission would be needed stating it would be ok to be an expedited project. Mr. Fulton said then someone would need to go back to make sure it was done properly, but the Conservation Commission is not set up to do this properly. Chairman Clow said if this is part of a class 6 road, they do not have the right to spend town funds on this road and they cannot spend the money to hire anyone. Mr. Fulton said at this location they are not talking about a class 6 road, they own half the road; it is class 6 up to the split in the road. Mr. Fulton does not think in that one location that PSNH has expressed their ability to work. Chairman Clow said there had always been water at that point to take the trail up to Ferrin Pond, always been water crossing the road there. Mr. Fulton said as far as they were aware that had always been the situation, the issue is there is water across the road and it has been pointed out to them that it is illegal to drive through the water. Mr. Fulton said there is a person who owns a cabin up there in that location, if as a town they are going to accept that there is a spot where the brook is being crossed in that location, should they be accepting the situation when it is illegal and should they tell PSNH that they can repair only when the spot is dry. Mr. Fulton commented on that clearly being a spot where there could be migration issues.

It was discussed there needs to be an appropriately sized pipe installed. Chairman Clow said who is going to define what is substantial. Mr. Fulton said the Conservation Commission would like to put the responsibility of a proper crossing on PSNH and professional engineering. Chairman Clow said could they leave it up to PSNH with the other culvert as well. Selectman Butt thought PSNH was handling this, like they expressed they would handle this without problems, he is concerned with this process. Mr. Fulton said the Conservation Commission was asked by Gordon Russell because PSNH saying they are done doesn't mean that it was completed in a

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manner that was acceptable. Selectman Lacasse commented on one of those culverts not being PSNH's issue. Vice Chairman Clark said that at the very first meeting she said this was going to be an issue with all the large equipment going through there. Vice Chairman Clark said people can travel that road because it is a class 6 road, not everyone knows it is illegal to drive through running water. Chairman Clow said it is true that PSNH is going to use that to get there equipment through and if they are going to improve it why not have them repair it. Vice Chairman Clark said other people use the road as well. Chairman Clow said there are 3 locations where the water crosses the road. Selectman Kurk asked Mr. Fulton about the 7 items and other than items 5 and 1 are these repeats of what was asked for initially. Mr. Fulton said number 2 – they found PSNH hired a professional, but the end product was not well done and they would not have accepted it if it needed their approval. Number 3 was a location that was not fixed, number 4 they had been looking into it, number 6 was brought up but not addressed, he does not believe number 7 was brought up prior. 2, 3, 4, 6, were brought to the attention of PSNH just not handled properly.

Selectman Lacasse moved, Chairman Clow seconded that they give PSNH permission to leave the existing stone culvert as is and somewhere adjacent to it install a plastic culvert as recommended by the Weare Conservation Commission. Passed 3-0-2

Selectman Butt asked if this is something the Conservation Commission is recommending. Mr. Fulton said yes.

Chairman Clow said they should put the issue with the other culvert on the agenda, because it was mentioned that they are asking too much of PSNH. Selectman Butt said he did take a tour through the area and would like to see if some of the concerns have been addressed. Selectman Kurk is wondering that for the items that were before PSNH should they check on these for completion. Selectman Butt asked when the last time the Conservation Commission took a walk through the area. Mr. Fulton said it was early August; PSNH was working on it through late August. The Conservation Commission is saying it is not OK, Selectman. Kurk asked if anyone from the Conservation Commission spoke with Mr. LaPlante to say things are not OK. Mr. Fulton feels it is not the role of the Conservation Commission to do so; thinks it is the responsibility of the BOS. The Board will table further discussion until PSNH can be present to discuss this. Selectman Butt asked if this needs to be done before the winter. Mr. Fulton said no, but it would be sensible to have the culvert work done at one time instead of separately. Selectman Butt asked Mr. Ventresco to contact PSNH to discuss that there are other culverts that need repair.

It was discussed that the motion made by Selectman Lacasse only deals with number 4. Chairman Clow said this motion actually rescinds the motion made on September 8, 2008. Mr. Ventresco commented that they still want some of the wording that involves DES approval. Mr. Fulton said it should state appropriate material, appropriately sized, but not specifying plastic. Mr. Ventresco commented that all the wording in number 4 and will add plastic culvert to it because it was in the motion. Chairman Clow asked if PSNH could attend their next meeting. Chairman Clow asked Mr. Ventresco to let PSNH know they approved the installation of the plastic culvert, but the Board would like to speak with someone from PSNH. It was discussed that PSNH might not want to repair this culvert without having approval to complete all the work in the area. Selectman Butt said they can tighten up what DES wants they cannot loosen anything.

Mr. Fulton commented that it would be responsible to contact the neighboring towns regarding their letter that came in the day after their July meeting and was reviewed it in August. Mr. Fulton said if they were to agree to this recommendation then Weare would be better off, middle 3 paragraphs don't clearly explain what the issues are. Chairman Clow said there has been so much that has happened since this letter and he does not feel this is accurate, there are indications that things have been done, not to satisfaction, but there has been a lot of action taken and progress was made with large rocks being placed and berms being built. He would be hesitant on signing off on the letter. Chairman Clow said they could inform the other towns that Weare is dealing with PSNH on the Weare portion of the road. Vice Chairman Clark asked were it says that a class 6 road shall not be

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passable. Chairman Clow said it doesn't. Vice Chairman Clark said on all the paperwork, it does not state that a class 6 should be harder to pass through. Selectman Kurk said because to some extent a class 6 road when left alone becomes harder to pass through.

Selectman Butt commented on the Wilson Hawkes property being privately owned and the public not having access to the land. It would appear there is public access which prohibits ATV usage. Unless it gets abused the landowner can post it as not accessible but snowmobiling is allowed. Selectman Butt asked Mr. Fulton to clarify. Mr. Fulton said it is still in the works, the property has never been posted before and it would be open to the same usage as previous; he did not hear from either landowner that there was a problem with snowmobiles. Mr. Fulton said it is clearly still under private ownership. Selectman Butt asked if the landowner retained the right to post it and would it be a problem with the easement. Mr. Fulton said yes. The language is not completed yet and it needs to be legally reviewed before being accepted.

TOWN LAWN SERVICES CONTRACT – Mr. Ventresco said Mr. Don Burke is here because they are nearing the end of the 3 year contract for lawn care services. Mr. Ventresco informed the Board that Mr. Burke and Chief Richards would like to ask the Board not to go out for bid on this contract. It was discussed that it was a difficult process when they went out for bid before and they feel the person who has the contract now would be best to stay with them. Mr. Don Burke said prior to the current contract they went through 2 lawn care companies in less than 1 year. There are 36 cemeteries to maintain. Mr. Burke does not want to discuss dollar figures in case they do go out for bid. The contractor gets paid quarterly, with a lump towards the end of the year. Mr. Ventresco said the contractor is a Weare resident and would like to continue the contract. Mr. Ventresco said there are issues that need to be addressed regarding cisterns. Mr. Burke signs off on the cemetery portion of the contract. Mr. Ventresco said the Board must decide if they should follow the purchasing policy. Selectman Butt asked about the specifications for the bid. Mr. Burke said they need to discuss liability. Mr. Ventresco said he will work with the committee chairs, Fire Department and Mr. Burke about any concerns.

Mr. Burke said the contractor lives in town and has 4 employees and in the summer has 6 employees. Mr. Ventresco agrees it is a hassle to go to bid. Selectman Kurk said it was a hassle getting the job done before. Selectman Butt commented on there being a problem with the Safety Complex lawn. Mr. Ventresco will discuss with the contractor the Safety Complex and cisterns. Chairman Clow asked Mr. Ventresco to pull together the whole package and discuss with PARC their concerns. Mr. Ventresco said tonight he is just asking not to have to go out to bid. Selectman Butt said the Safety Complex flower beds have not been maintained. Vice Chairman Clark said they cemeteries are very well maintained by the current contractor.

Mr. Ventresco said according to the purchasing policy only the Board of Selectman is allowed to waive the process of going out to bid and he wants to make sure the Board is clear on the process. Selectman Lacasse said if everyone is happy with the services being provided and the prices being charged then they could waive the process. Selectman Kurk said during the bid process 3 years ago the current contract was very fairly priced. Vice Chairman Clark said calling around for prices might not be a bad idea. Mr. Ventresco said if it goes out to bid they have to consider the lowest bid price. The Board can reserve the right, but there has to be a good reason for not choosing the lowest bid. Selectman Butt feels they have justification to go out to bid. Chairman Clow said they would need to gather information on the number of employees in the company and equipment used. Selectman Butt said they should go out to bid.

Chairman Clow said there is also the issue of who is going to give the tour of the cemeteries, ball fields and town property to the bidders. Selectman Kurk said she appreciates the concern for price, but after working for years with poor service and then the past 3 years having good service she second guesses going out to bid. Mr. Ventresco said they have problems with the safety complex lawn care currently which could be because it is not spelled out in detail in the contract. Chairman Clow would like to know about the previous bid process, has the

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contract only increased because of fuel costs because that would be acceptable to him for staying with the current contractor. Selectman Kurk said the cemeteries had this contractor before the whole town took him on as a contractor. Selectman Butt feels they are obligated to get the best price for the town. The Board has no figures from the current contractor for the upcoming years. Mr. Ventresco will contact Chief Richards to discuss the cistern issues.

Chairman Clow moved, Selectman Kurk seconded to enter into non public session at 9:03 p.m. under RSA 91-A:3, II (a) and (c). A roll call vote was taken, Selectman Butt – yes, Vice Chairman Clark – yes, Selectman Kurk – yes, Selectman Lacasse – yes, Chairman Clow – yes. Passed 5-0-0

Chairman Clow moved, Selectman Kurk seconded to come out of non public at 9:27 p.m. A roll call vote was taken, Selectman Butt – yes, Vice Chairman Clark – yes, Selectman Kurk – yes, Selectman Lacasse – yes, Chairman Clow – yes. Passed 5-0-0

Chairman Clow moved, Selectman Kurk seconded to seal and restrict the minutes of the non public session. Passed 5-0-0

DOCUMENT FROM LGC HEATH TRUST FOR BOARD OF SELECTMEN APPROVAL – Mr. Ventresco said LGC told him that the bottom line is that no employee benefits have been changed, they changed their structure that LGC does every 5-6 years, assured their payment or benefits do not change.

Vice Chairman Clark moved, Selectman Lacasse seconded to approve that Chairman Clow sign the document from LGC. Passed 5-0-0

TAX WAIVER REQUEST – Mr. Ventresco said someone purchased a trailer and was not told there were taxes due on the trailer. The new owner is saying that the town should have informed him that there were taxes that were overdue. Mr. Ventresco said he contacted LGC and they informed him that the owner was responsible for contacting the town to see if there were any liens on the property. The owner is asking the Board to waive the taxes due. Mr. Ventresco said he told the new owner that the town is not obligated to have notified them. The amount due is approximately \$1,000 with interest accruing every day. The landowner asked if it was possible to take the taxes due back to the original amount owed without the additional assessed fees. Selectman Lacasse asked if there was any legal reason that they couldn't waive the fees.

Selectman Lacasse moved, Selectman Butt seconded that they waive the penalties and fees from the date the new owner took ownership as long as they pay 30 days from September 29. Failed 1-4-0

Mr. Ventresco said the new owners took ownership in September 2006 and said they were just informed of the back taxes that were due on the property. Mr. Ventresco will find out if the new owner has paid taxes. Mr. Ventresco said that some people will look at this that if someone doesn't pay this bill it will affect the tax base. The Board requested further information.

SNPC REQUEST FOR FORMATION OF SOURCE WATER PROTECTION ADVISORY COMMITTEE – Chairman Clow informed the Board that Mr. Jack Munn at SNPC is gearing up to plan work on the Town of Weare Source Water Protection Grant. An advisory committee consisting of 1 member from the following committees BOS, Planning Board, Conservation Commission, a Public Works staff member, the Planning Coordinator, Health Officer, Fire Chief or designee and School Superintendant or designee needs to be formed. It was discussed that Mr. Craig Francisco will represent the Planning Board. The committee will meet 3-4 times; the meetings will be during the day and will be in Weare. Selectman Butt said he went through their website and noticed that matching grants are needed and wants to make sure they don't commit to something requiring funds. The Board is not sure if this concerns public water supply or source water. Selectman Butt and Vice Chairman Clark said they could share the responsibility.

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APPOINTMENTS FOR ECONOMIC DEVELOPMENT COMMITTEE – Selectman Butt asked to postpone these appointments for 2 weeks so he could research the committee.

The Board discussed that the sexual harassment training is scheduled for October 6th, the Economic Development discussion will be on the October 13th and Manifest, gravel pits and PSNH will be scheduled for October 20th.

ADMINISTRATIVE REPORT – Mr. Ventresco said Chief Richards wanted him to relay to the Board that Mr. Knapp cannot repair the fence around the pond on Pine Hill. Vice Chairman Clark said she thought Chief Richards was going to check to see if insurance was going to pay for the repair.

Chairman Clow mentioned the cistern fund. Mr. Ventresco said he does not have the balance of the fund with him tonight and will check on the insurance and fund balance for next week's meeting. Mr. Ventresco said he was told by Chief Richards that it would cost approximately \$5,000 to repair/replace. Selectman Butt would like to know if the fence was donated. It was discussed there is chain at Bolton field but it does not belong to the town; it belongs to WAC. Selectman Butt would like to know if the town could utilize the fence.

CORRESPONDENCE – Chairman Clow asked Mr. Ventresco if he addressed the complaint from the transfer station and commented that some of the issues should be resolved when the new hours go into effect. Chairman Clow asked Mr. Ventresco to remind the transfer station employees to make sure their time clocks corresponds to cell phone time.

OTHER BUSINESS – Selectman Butt questioned a payment on a credit card that was in the Manifest. It was discussed the credit card was used to rent a vehicle and was repaid. Mr. Ventresco will speak with the individual involved.

Vice Chairman Clark said as they enter budget season and items keep getting added to the agenda they need to end the meetings at a logical time and need to set ending times.

ADJOURNMENT at 10:07 p.m.

A True Record.

Cherry Palmisano, Recording Secretary